

To: Gray, David[gray.david@epa.gov]
Cc: Brown, Matthew[MBrown@ap.org]; Anderson, Jim[JAnderson@ap.org]; Elliott, Dan[delliott@ap.org]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Harrison, Melissa[Harrison.Melissa@epa.gov]
From: Biesecker, Michael
Sent: Tue 8/25/2015 6:32:24 PM
Subject: RE: Gold King Mine Docs

David,

Please provide a summary of the agency's legal reasoning as to why whether a working phone at the site was required under the safety plan would qualify as CBI. The same question for why the estimated cost of the project would be CBI.

Also, please expound on why it is the agency's position on why the privacy or security of the EPA employees managing the operation at Gold King would be imperiled if their names are made public.

We want to be able to accurately report what the agency's legal reasoning is on these specific redactions.

Michael

From: Gray, David [mailto:gray.david@epa.gov]
Sent: Tuesday, August 25, 2015 2:22 PM
To: Biesecker, Michael
Subject: Re: Gold King Mine Docs

exemption (b)(6) and CBI

Sent from my iPhone

On Aug 25, 2015, at 12:29 PM, Biesecker, Michael <MBiesecker@ap.org> wrote:

David,

Still awaiting the agency's response on this.

Michael

From: Gray, David [<mailto:gray.david@epa.gov>]
Sent: Saturday, August 22, 2015 8:30 PM
To: Biesecker, Michael
Subject: RE: Gold King Mine Docs

Hi Michael – sorry for delay.

David and Nancy here.

We just found your email my junk mail box under MS Outlook. I'm sorry that can't immediately your question. I am not a FOIA attorney and will need to check with our Counsel. It be Monday before I can make contact with them.

David

From: Biesecker, Michael [<mailto:MBiesecker@ap.org>]
Sent: Saturday, August 22, 2015 2:23 PM
To: Harrison, Melissa
Cc: Brown, Matthew; Anderson, Jim; Elliott, Dan; Grantham, Nancy; Gray, David
Subject: Re: Gold King Mine Docs

Nancy and David,

As I asked earlier if Melissa, please provide the specific exemption in the FOIA law for the redactions I inquired about. If the EPA employees' names are being withheld for "privacy and security" reasons, please refer me to the specific statute that applies. If Environmental Restoration is claiming it should be confidential proprietary business information whether or not they had a working phone at the Gold King site, then, again, point me to the specific exemption that applies so that I can report it. Under FOIA, the agency is obligated to cite the exemptions that apply when redactions are made.

Thanks,

Michael

Michael Biesecker

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The AP, founded in 1846, has a global network of 240 bureaus, providing news in text, audio, video, graphics and photos to more than 15,000 news outlets with a daily reach of 1 billion people worldwide.

Sent from my iPhone

On Aug 22, 2015, at 2:18 PM, Harrison, Melissa <Harrison.Melissa@epa.gov> wrote:

Matt-thanks again for chatting on the phone. I've copied Nancy and David who are taking the lead on your questions today. They are doing their best to get you answers asap.

Michael-I inquired about the redacted portions you requested. Below is our response:

EPA contractors are entitled to make claims of confidential business information, or CBI, before their EPA documents become public records. Some of the redactions are claimed CBI. Also, for privacy and security reasons, EPA has redacted EPA employee names.

I know this has been a difficult process, but I really appreciate your willingness to work with us. If you have any further questions please email Nancy or David.

Thanks,

Melissa

Melissa Harrison

Press Secretary

EPA

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Harrison.Melissa@epa.gov

On Aug 22, 2015, at 10:57 AM, Brown, Matthew <MBrown@ap.org> wrote:

Thanks Melissa.

Just left you a voice mail. Please give me a call at your earliest convenience.

Best number is 406 696 4213.

Matt Brown

Matthew Brown

Associated Press Correspondent

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mbrown@ap.org

phone-406 896 1528

mobile-406 696 4213

fax-406 896 8117

From: Harrison, Melissa [<mailto:Harrison.Melissa@epa.gov>]

Sent: Saturday, August 22, 2015 6:41 AM

To: Brown, Matthew

Cc: Biesecker, Michael; Anderson, Jim; Elliott, Dan

Subject: Re: Gold King Mine Docs

Matt-We will work on your follow up questions. As I've said many times before, we were inundated with media inquiries and have worked diligently to respond to them. Many of your follow up questions have required more in-depth answers which take time. In fact, we have devoted countless numbers of hours and resources to getting you answers. We remain committed to responding to you as quickly and thoroughly as possible.

Melissa Harrison

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Harrison.Melissa@epa.gov

On Aug 22, 2015, at 12:14 AM, Brown, Matthew <MBrown@ap.org> wrote:

Thanks Melissa.

Could you please provide more details on work to eliminate blockages? Also is there an estimate of how much water remains in the mine? What is potential for another blow out?

And regarding documents, it appears EPA was aware of potential for "a blow out of the blockages"; what precautions were taken to account for that?

Should more precautions have been taken? Did EPA share that with state officials? Local officials? Were personnel on site when spill occurred aware?

We're going to need direct responses to those questions and as soon as they can be delivered.

As I was saying to Lisa today, I would rather not make agency's delay in answering part of the story but track record on this one increasingly difficult to ignore.

More questions will follow.

Matt Brown

Matthew Brown
Associated Press Correspondent
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phone-406 896 1528

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mbrown@ap.org

On Aug 21, 2015, at 8:23 PM, "Harrison, Melissa"
<Harrison.Melissa@epa.gov> wrote:

Matt-This is going out to a wider audience shortly, but I wanted to make sure you got it first. Thanks! Melissa

EPA Posts Gold King Mine File Documents

WASHINGTON – The U.S. Environmental Protection Agency is committed to working closely with response agencies and state, tribal and local officials to ensure public safety, to respond to concerns and to evaluate impacts to water and sediment that may have been contaminated by the Gold King Mine release. As part of this effort, EPA announced today that it has made a number of Gold King Mine file documents available to the public. These include the EPA Task Order and the Action/Work Plan and Site Health and Safety Plan for the work at the Gold King Mine site.

The independent review announced this week by the U.S. Department of the Interior will analyze the incident, including the contributing causes. These documents, the independent review and EPA's internal technical

examination of the incident that is now being conducted will provide greater understanding of the incident.

Given the experience with the August 5, 2015, blow out from pressurized water at the Gold King Mine, additional work is needed to ensure there are no more blockages holding back water which could contribute to future surges of contaminated water. The EPA and State responders have begun these efforts, but they have not yet been completed.

Gold King Mine file documents: <http://www2.epa.gov/goldkingmine/epa-posts-gold-king-mine-file-documents>

Background on the Gold King Mine

The Upper Animas Watershed, where the Gold King Mine is located, contains an estimated 400 abandoned and inactive mine sites, which were the focus of both large- and small-scale mining operations between 1871 and 1991. As a result, the Animas River and many of its tributaries have been historically impacted by high concentrations of heavy metals from both acid rock/mine drainage at mine sites and from naturally occurring metal loading sources not impacted by mining.

EPA, the State of Colorado, and other stakeholders have been working together since the 1990's to assess and address water quality impacts in the Upper Animas River and its tributaries from mining related heavy metals. Numerous mine reclamation and mine waste cleanup projects have been completed in the watershed over the last 20 years. These efforts have included diverting ###

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